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Application Serial No.: 10/673,390  
Amendment and Response to April 13, 2006 Non-Final Office Action**REMARKS**

Claims 1 – 7, 9 – 17, and 20 – 21 are in the application. Claims 1 – 7, 9 – 17, and 20 – 21 are currently amended and claims 8 and 18 – 19 are canceled. Claims 1, 20, and 21 are the independent claims herein.

Claims 1, 20, and 21 are currently amended to incorporate aspects recited in the previous version of claim 8. Accordingly, no new matter is added to the application as a result of the amendments included herewith.

Reconsideration and further examination of the application are respectfully requested.

**Information Disclosure Statement**

The Office Action stated that items I and K cited in the information disclosure statement, I.D.S., filed 09/29/03 have not been considered as to their merits because the document numbers do not match the listed applicant named. In reply thereto, Applicant submits herewith a supplemental I.D.S. that corrects the typographical error of the I.D.S. filed 09/29/03.

Applicant respectfully requests the entry and consideration of the items listed on the corrected supplemental I.D.S. submitted herewith. Furthermore, Applicant respectfully requests that the items listed on the supplemental I.D.S. submitted herewith be accorded the filing date of the initially filed I.D.S. based on the nature of the error (i.e., typographical error), Applicant's bona fide effort to inform the Office of the items in the Initial I.D.S. filing, and Applicant's timely submittal of a corrected supplemental I.D.S. upon becoming aware of the typographical error.

**Specification**

The Specification was objected to for repeating the word "that" at page 4, line 11. By way of an amendment submitted herewith, Applicant has deleted the repeated "that", as indicated in the replacement paragraph.

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Therefore, Applicant respectfully requests reconsideration and withdrawal of the objections to the Specification.

### **Claim Objections**

Claims 10 and 11 were objected to based on informalities kindly noted by the Examiner. In response thereto, Applicant has amended claim 10 and 11 as suggested by the Examiner.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the objections to claims 10 and 11.

### **Claim Rejections – 35 USC § 112, 2<sup>nd</sup> Paragraph**

Claim 13 was rejected under 35 U.S.C. 112, 2<sup>nd</sup> paragraph as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner stated that claim 13 lacked sufficient antecedent basis for aspects therein.

Claim 1 has been amended to recite, in part, "providing data indicative of said device context". Accordingly, there is sufficient antecedent basis for all aspects of claim 13.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claim 13 under 35 U.S.C. 112, 2<sup>nd</sup> paragraph.

### **Claim Rejections – 35 USC § 101**

Claim 1 – 7, 12 – 17, and 20 – 21 were rejected under 35 U.S.C. 101 for allegedly being directed to non-statutory subject matter. Claims 1 and 20 – 21 are currently amended to recite aspects of the previous claim 8 that the Examiner indicated contained statutory subject matter. Accordingly, Applicant respectfully submits that claims 1 and 20 – 21 are (at least now) directed to statutory subject matter. For example, claims 1 and 20 – 21 each claim providing/provide data indicative of the device context. That is, each of claims 1 and 20 – 21 produce a useful, concrete and tangible result.

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Claims 2 – 7 and 12 – 17 depend from claim 1. Applicant respectfully submits that claims 2 – 7 and 20 – 21 also overcome the rejection thereof under 35 USC 101.

Therefore, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1 – 7, 12 – 17, and 20 – 21 under 35 U.S.C. 101.

**Claim Rejections – 35 USC § 102(b)**

Claims 1 – 21 were rejected as being anticipated by Diacakis et al., US 2002/0116336, (hereinafter, Diacakis). This rejection is respectfully traversed.

Regarding the rejection of claim 1, Applicant respectfully notes that claim 1 relates to a method that includes receiving a request to make a change to a new identity context for an identity wherein the identity context is associated with the identity and provides an availability status of the identity; and mapping the new identity context to a device context for a device associated with the identity wherein the device context provides an availability status of the device. Clearly, the claimed device context provides an availability status of a device. Applicant notes that the device context provides an indication of a status of the device. That is, as further discussed in detail in Applicant's specification, the device context conveys the availability or non-availability of a device. (See U.S. Pat. Application Pub. No. US 2005/0071429 A1 corresponding to the current application, col. [0006], ln. 13 – 15) Applicant respectfully notes that claim 18 (reciting a method), claim 20 (reciting an article of manufacture) and claim 21 (reciting an apparatus) are worded similar to claim 1 regarding the claimed device context.

Applicant respectfully submits that the cited and relied upon Diacakis does not disclose or suggest, at least, the claimed "mapping said new identity context to a device context for a device associated with said identity, wherein said device context provides an availability status of the device". Applicant reiterates that the claimed device context provides an indication of a status of a device.

The Office Action cites and relies upon Diacakis paragraphs [0031], [0032], [0034], [0035], [0045], and FIGS. 2 and 8 for allegedly disclosing mapping the new identity context

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to a device context for a device associated with the identity, wherein the device context provides an availability status of the device. In contrast to claims 1 and 20 – 21, Diacakis discloses, at most, determining a presence of an individual or group or individuals, not an availability status of a device. In particular, Diacakis discloses, “the presence engine 18 may ascertain the individual's presence on each of the monitored networks” (See Diacakis, paragraph [0055]). Further, Diacakis discloses a method and system to “determine if the individual is available on a landline network” or a “mobile phone” (See Diacakis, paragraph [0043]), determine if the individual is available on a TCP/IP network (See Diacakis, paragraph [0044]), and determine if the “individual is present on other devices such as, for example a personal digital assistance (PDA)” (See Diacakis, paragraph [0044]).

Thus, it is abundantly clear that Diacakis discloses determining a presence (i.e., status) of an individual on a network or device. As made clear by the numerous explicit examples of Diacakis, the presence of an individual is determined based on whether the individual is on a network or device. The explicit Diacakis methods and systems that determine the presence of an individual is not the same as or suggestive of Applicant's claimed mapping the new identity context to a device context for a device associated with the identity, wherein the device context provides an availability status of the device.

Furthermore, Applicant claims an identity context wherein the identity context is associated with the identity and provides an availability status of the identity. The claimed identity context is distinct from and different than the claimed device context. Diacakis appears to disclose, at most, an identity context only, not a device context or a suggestion of a device context. Again, Diacakis fails to disclose or suggest a device context as claimed by Applicant.

Therefore, Applicant respectfully submits that the cited and relied upon Diacakis does not disclose that for which it was cited and relied upon for disclosing. In particular, Diacakis fails to disclose each and every aspect of claims 1 and 20 – 21, as is required for anticipation under 35 USC 102(b).

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Accordingly, Applicant respectfully submits that claims 1 and 20 – 21 are patentable over Diacakis under 35 USC 102(b) for at least the reasons stated hereinabove. Claims 2 – 7 and 9 – 17 depend from claim 1. Applicant respectfully submits that claims 2 – 7 and 9 – 17 are also patentable over Diacakis under 35 USC 102(b) for at least depending from a patentable base claim. Therefore, the reconsideration and withdrawal of the rejection of claims 1 – 7, 9 – 17, and 20 – 21 are respectfully requested, as well as the allowance of same.

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### CONCLUSION


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Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (650) 694-5339.

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Respectfully submitted,

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